

**AMENDMENTS TO THE CLAIMS**

This listing of claims replaces all prior versions, and listings, of claims in the present application.

**IN THE CLAIMS:**

1. (Currently Amended) An isolated nucleic acid comprising SEQ ID NO:1 wherein said nucleic acid is operably linked to a polynucleotide encoding a protein of interest, wherein said nucleic acid promotes ~~increases~~ expression of said polynucleotide a structural gene located downstream thereof.

2. (Currently Amended) An isolated nucleic acid comprising a nucleotide sequence having not less than 95% sequence identity to SEQ ID NO:1, wherein said nucleic acid is operably linked to a polynucleotide encoding a protein of interest, wherein said nucleic acid promotes expression of said polynucleotide located downstream thereof.

3-5. Canceled.

6. (Previously Presented) An isolated nucleic acid comprising SEQ ID NO:2.

7. (Currently Amended) A recombinant vector comprising the nucleic acid according to any one of claims 1, 2, ~~to 3~~ or 6, and a polynucleotide encoding a protein of interest ~~structural gene~~ located downstream of said nucleic acid, wherein said nucleic acid is operably linked to said polynucleotide and promotes expression of said polynucleotide ~~structural gene is increased by said nucleic acid.~~

8. (Currently Amended) A method for promoting ~~increasing~~ expression of a polynucleotide encoding a protein of interest ~~structural gene~~, comprising inserting the nucleic acid according to any one of claims 1, 2, ~~to 3~~ or 6 into a site upstream of said polynucleotide ~~structural gene~~, wherein said nucleic acid is operably linked to said polynucleotide and promotes expression of said polynucleotide,

whereby the expression of said polynucleotide encoding said protein of interest is promoted ~~structural gene is increased by said nucleic acid.~~

9. (Currently Amended) A plant in which expression of a desired polynucleotide encoding a protein of interest ~~structural gene~~ is promoted ~~increased~~ by the method according to claim 8, or a progeny of said plant that also expresses the desired

polynucleotide encoding a protein of interest, in which ~~wherein~~  
expression of a desired polynucleotide encoding a protein of  
interest ~~structural-gene~~ is promoted ~~increased~~ by the method  
according to claim 8.

10. (Currently Amended) The method according to claim 8,  
wherein the nucleic acid is inserted into a site 0 base pairs to  
1000 base pairs upstream from the polynucleotide encoding a protein  
of interest ~~structural-gene~~.

11. (Currently Amended) The method according to claim 8,  
wherein the nucleic acid is inserted into a site 0 base pairs to  
1000 base pairs upstream from a promoter located upstream of the  
polynucleotide encoding a protein of interest ~~structural-gene~~,  
wherein said promoter controls expression of said polynucleotide  
encoding a protein of interest ~~structural-gene~~.

12. (Currently Amended) A plant comprising the recombinant  
vector according to claim 7, or a progeny of said plant, wherein  
the progeny comprises ~~comprising~~ the recombinant vector according  
to claim 7.